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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/397,298	09/15/1999	JEFFREY M. HARRINGTON	4965.00	8579
43997	7590	08/24/2004	EXAMINER HUYNH, THU V	
OPTV/MOFO C/O MORRISON & FOERSTER LLP 1650 TYSONS BOULEVARD, SUITE 300 MCLEAN, VA 22102			ART UNIT	PAPER NUMBER 2178

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/397,298	HARRINGTON, JEFFREY M.
Examiner	Art Unit	
Thu V Huynh	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 02 June 2004.  
 2a) This action is **FINAL**.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-21,23-30 and 71-127 is/are pending in the application.  
 4a) Of the above claim(s) 71-127 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-21 and 23-30 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

### **DETAILED ACTION**

1. This action is responsive to communications: RCE filed on 06/02/2004 and amendment filed on 05/03/2004 to application filed on 09/15/1999.
2. Claim 22 was and claims 31-70 are canceled.
3. Claims 71 and 127 were withdrawn.
4. Claims 1-21 and 23-30 and 71-127 are pending in the case. Claims 1, 17, 71, 85, 94, 98, 109, and 115 are independent claims.
5. Claims 1-21 and 23-30 are pending for examination.
6. The rejections of claims 1-13, 15-21, 23-29, and 31-70 under 35 U.S.C. 103(a) as being unpatentable over Hidary et al., US 5,774,664 -filing date 3/25/1996, in view of O'Brien et al., US 6,055,569 -filing date 1/27/1998 have been withdrawn in view of the amendment.
7. The rejections of claims 14 and 30 under 35 U.S. C. 103(a) as being unpatentable over Hidary in view of O'Brien and in further view of Butler et al (herein Butler; UK Patent App. GB 2327837A -publication date 2/3/1999) have been withdrawn in view of the amendment.

#### ***Claim Objections***

8. Claim 1 is objected to because of the following informalities:  
Regarding independent claim 1, the use of “receiving *an a* pre-fetch push command” has typographical error. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. **Claims 1-2, 4-21 and 23-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hidary et al., US 5,774,664 -filing date 3/25/1996, in view of Wu et al., US 6,326,982 B1, filed 06/24/1999 and Schaffa et al., US 5,973,685, filed 07/1997.**

**Regarding independent claims 1,** Hidary teaches the steps of:

- receiving a command to retrieve the web page, including addresses for use in retrieving information to construct the web page (Hidary, col. 3, lines 26-38 and col.4, lines 28-56, receiving a video program with command to retrieve a web pages using addresses (URLs) and further retrieving information to “present[s] the web page on one portion of the computer screen with the television video signal”);
- retrieving the information to construct the web page (Hidary, col. 3, lines 26-38; col.4, lines 28-56; and col.5, lines 32-46; web addresses (URLs) are retrieved from a server site);
- constructing the web page prior to display on the display device in order to produce the constructed web page (Hidary, col. 3, lines 26-38; col.4, lines 28-56; and col.5, lines 32-46; teaches presenting a web page on one portion of the computer screen with the television video signal. This inherently discloses that the web page must be

constructed, such as mapping of web page content to a portion of the screen prior to display the constructed web page with the television video signal);

- commanding the constructed web page be displayed on the display device based upon timer event information transmitted with the command or a show command (Hidary, col. 3, lines 26-38; col.4, lines 28-56; and col.5, lines 32-46, simultaneously displaying the constructed web page on display device and television video program based upon a timestamp associated with the URL transmitted with the command).

Hidary does not explicitly disclose a pre-fetch push command and how to construct the web page with the video on the computer screen.

Wu teaches the steps of:

- receiving a command to retrieve the web page, including an address for use in retrieving information to construct the web page (Wu, col.2, line 66 – col.3, line 20 and col.11, lines 45-55, receiving electronic program schedule information with command to instruct client machine to obtain and construct at least a web page prior to display);
- retrieving the information to construct the web page (Wu, col.4, lines 19-39, web address (URL) are retrieved from remote web sites 36);
- constructing the web page prior to display on the display device in order to produce the constructed web page (Wu, col.7, lines 41-54; URL layout parameters provide instructions for mapping web content on television screen);
- commanding the constructed web page be displayed on the display device based upon timer event information transmitted with the command or a show command (Wu,

col.6, lines 44-65; col.11, lines 18-32 and 45-55; col.12, lines 7-60 and fig.10, simultaneously displaying the constructed web page and the program on television display device based upon particular time parameter transmitted with the command).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined the Hidary and Wu to construct the web page prior to display, since the layout parameter would have provide instructions for mapping the web content on the television screen as Wu disclosed.

Hidary and Wu teach receiving the command to instructing client machine to obtain and construct the web page prior to display on user display device as explained above. However, Hidary and Wu do not explicitly disclose the command is pushed from the server.

Schaffa teaches server uses pushing and pulling types to delivery information to the user (Schaffa, col.1, lines 57-64 and col.2, lines 49-67; “programs are pre-stored in a server which can be “push” or “pull” type”).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Schaffa’s pushing or pulling type into Hidary and Wu to send the video programs to the user computer, since this would have provide types for the server to delivery information, such as the server enable to push the video program or pull the video program to the user.

**Regarding claims 2,** which is dependent on claim 1. Refer to the rationale relied to reject claim 1, both Hidary or Wu teaches wherein the receiving step comprises receiving timer event information providing an indication of when to command the web page be displayed on the

display device, and the command step comprises commanding the constructed web page be displayed based upon the timer event (Hidary, col.3, lines 32-37 and col.4, lines 53-56, the URLs have associated timestamps which “indicate to the subscriber stations when, during the video program, to display the particular Web pages addressed by the URLs”. This inherently teaches a trigger must be included to command the web page to be displayed at particular timestamp associated with the URL; Wu, col.6, lines 44-65; col.11, lines 18-32 and 45-55; col.12, lines 7-60 and fig.10).

**Regarding claim 4**, which is dependent on claim 1. Hidary teaches the address comprises a uniform resource identifier (Hidary, col.3, lines 29-30).

**Regarding claims 5 and 6**, which is dependent on claim 2. Refer to the rationale relied to reject claim 2, the limitations of “wherein the timer event information comprises a particular amount of time after receiving the pre-fetch push command at the expiration of which a trigger is generated to actual the commanding step” and “wherein the timer event information comprises a particular time at which a trigger is generated to actual the command step” are included. The rationale is incorporated herein.

**Regarding dependent claim 7**, which is dependent on claim 1. Refer to the rationale relied to reject claim 1, both Hidary and Wu teaches constructing the web page in a memory module (Hidary, col. 3, lines 26-38; col.4, lines 28-56; and col.5, lines 32-46; Wu, col.7, lines

41-54; URL layout parameters provide instructions for mapping web content on television screen). The rationale is incorporated herein.

**Regarding dependent claim 8**, which is dependent on claim 1. Hidary teaches a web browser retrieving web page information (Hidary, col.3, lines 30-32).

**Regarding dependent claim 9**, which is dependent on claim 3. Refer to the rationale relied to reject claim 1, both Hidary or Wu teaches the limitation of “wherein the step of receiving a command comprises receiving a program concurrent with receipt of the command instructing that the constructed web page be displayed”(Hidary, col. 3, lines 26-38 and col.4, lines 28-56, receiving a video program with command to retrieve a web pages using addresses (URLs) and further retrieving information to “present[s] the web page on one portion of the computer screen with the television video signal”; Wu, col.2, line 66 – col.3, line20 and col.11, lines 45-55, receiving electronic program schedule information with command to instruct client machine to obtain and construct at least a web page prior to display). The rationale is incorporated herein.

**Regarding dependent claim 10**, which is dependent on claim 9. Hidary teaches wherein the program comprises a video program, audio program, or multimedia program (Hidary, col. 3, lines 26-38 and col.4, lines 28-56).

**Regarding dependent claim 11**, which is dependent on claim 9. Hidary teaches wherein the commanding step further comprises the step of transmitting the program and the constructed web page to the display device for simultaneous display (Hidary, col.3, lines 30-37 and col.4, lines 30-35).

**Regarding dependent claim 12**, which is dependent on claim 1. Refer to the rationale relied to reject claim 1, Hidary or Wu teaches the display device is a television (Hidary, col.2, lines 24-26; col.3, lines 19-36; Wu, col.7, lines 41-54). The rationale is incorporated herein.

**Regarding dependent claim 13**, which is dependent on claim 1. Refer to the rationale relied to reject claim 1, the limitation of “transmitting the program for display on a television and transmitting the constructed web page for display on the display device” is addressed. The rationale is incorporated herein.

**Regarding dependent claim 14**, which is dependent on claim 11. Hidary does not explicitly disclose the web page being overlaid on at least a portion of the display of the program.

However, Wu teaches the web page being overlaid on at least a portion of the display of the video data (Wu, col.5, lines 23-39 and col.7, lines 39-54).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Wu’s superimposing display web page on video data into Hidary to

provide different layout of display the web page, since the web page is able to superimposing display on video data or display in a split screen or in a picture in picture type.

**Regarding claim 15**, which is dependent on claim 1. Refer to the rationale relied to reject claim 1, both Hidary or Wu teaches the receiving, retrieving, constructing and commanding steps are performed by a personal computer, a television as explained above. Hidary teaches implementing his invention in networks including the Internet, private networks, and wireless networks (Hidary, col.6, lines 39-41). He also teaches the delivery of program data in which the addresses are embedded via any transmission means, including satellite, cable, wire, or television broadcast (Hidary, col.4, lines 35-39).

It was known and typical in the art at the time of the invention for PCs, TVs, cable boxes, satellite boxes, radios, telephones, answering machines, wireless phones, wireless Internet devices, telephony devices for the deaf, and PDAs to all be common devices for receiving and sending signals using the transmission means disclosed by Hidary. It would have been obvious to one of ordinary skill in the art at the time of the invention to implement Hidary's invention in the listed devices. This would have fully utilized the invention's ability to be implemented in various transmission situations and would have allowed users limited to specific devices to use the invention.

**Regarding claims 16**, which is dependent on claim 1. Hidary teaches his invention as enabling advertisers to directly send their Web advertisements to users (Hidary, col 2, lines 24-65). Hidary also disclose on-line systems as offering a variety of content, including news,

games, job services and more (Hidary, col 1, lines 21-28). It was known and typical in the art at the time of the invention for on-line systems such as the Internet to provide a plethora of content.

**Claims 17-18, 20-21 and 23-30** are for an apparatus performing the method of claims 1-2, 4-5, 7-14 respectively and are rejected under the same rationale.

11. **Claims 3 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hidary in view of Wu and Schaffa as applied to claims 1 and 17 above, and further in view of Watanabe, US 6,163,803, filed 10/1998.**

Regarding claim 3, which is dependent on claim 1. Hidary teaches utilize timing information to indicate when URLs are to be transmitted and subsequently displayed (Hidary, col.3, lines 42-52, sending a command for the retrieval and subsequent display of a web page when the scheduled time is reached). However, Hidary does not explicitly disclose the command is a show command.

Watanabe teaches receiving audio URL together with video signal; capturing and storing the web information shown by the URL; and receiving a display command instructing that the captured or stored web page be display (Watanabe, col.4, lines 28-46).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Watanabe's display command into Hidary to include a display command (show command) to display the captured, stored, or constructed web page to the user, since this would have allow the user to control information to be view by inputting the display command.

**Claim 19** is for an apparatus performing the method of claim 3 and is rejected under the same rationale.

***Response to Arguments***

12. Applicant's arguments with respect to claims 1-21 and 23-30 have been considered but are moot in view of the new ground(s) of rejection.

Beginning of the "Remarks" in the amendment, applicant states that "Claims 1-21 and 23-70 are pending ... Claims 31-70 are cancelled. Claim 22 was cancelled and claims 71-127 were withdrawn ...".

Examiner notes that this statement is incorrect. The pending claims for this application are 1-21 and 23-30 and 71-127 because claims 31-70 are cancelled, claim 22 was cancelled and 71-127 were withdrawn. Since claims 71-127 were withdrawn from examination, therefore claims 1-21 and 23-30 are pending for examination.

Applicant argues that no teaching or suggestion in O'Brien of constructing a web page involving "retrieving and locally compiling content for the page for presentation of page when completed", such as "mapping of content to a pre-defined portion of the screen, translating to a television format, and combining elements of various download segments" prior to display it.

However, the combination of Hidary and Wu teach this limitation as explained in the rejection above.

Applicant argues that Hidary does not disclose the pre-fetch push command, wherein the pre-fetch push command “is used to obtain and assemble content, for example, a web page, prior to presentation on an associated machine … pre-fetch push command may include any type of information instructing client machine to construct a web page prior to display”

However, the combination of Hidary, Wu and Schaffa teaches this limitation as explained in the rejection above. In the specification, applicant does not specify what “pre-fetch push command” is, except what “pre-fetch push command” is used for as pointing out in applicant’s argument. Hidary teaches the command is used to obtain the web page prior to presentation on an associated machine (Hidary, col.3 lines 25-35 and col.4 lines 30-35). Hidary inherently teaches a completely constructed page that is to be displayed on a client browser have all elements readily constructed, otherwise there would be nothing to display. Hidary further teaches that software modules can reside on the client side or server side where the URL codes are to be interpreted and their contents assembled (or constructed) (Hidary, col.5 line 25-46). Besides, Wu teaches command is used to obtain and construct the web page. The command includes layout information instructing client machine to construct the web page prior to display. Schaffa teaches server pushes or pulls information to the client (push and pull technique was also well known technique). Therefore, the combination of Hidary, Wu and Schaffa’s teaching is perfectly matches the “pre-fetch push command” as applicant explained in the specification as well as in applicant’s argument.

Applicant argues that Hidary does not disclose, “timer event information transmitted with the pre-fetch push command” and “constructing a web page based upon timer event information transmitted with the pre-fetch push command”.

However, the combination of Hidary, Wu and Schaffa teaches this limitation as explained in the rejection above.

Applicant argues that Hidary does not disclose “commanding a constructed web page be displayed on a display device based upon a show command”.

However, the combination of Hidary, Wu, Schaffa and Watanabe teaches this limitation as explained in the rejection above.

Applicant argues that Butler does not disclose constructed web page is overlaid on at least a portion of the display of a program.

However, the combination of Hidary, Wu, Schaffa and Watanabe teaches this limitation as explained in the rejection above.

### ***Conclusion***

13. prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gerszberg et al., US 6,044,403, filed 12/1997, teaches network server platform for internet, java server and video application server.

Fujii, US 6,204,842 B1, filed 10/1998, teaches system and method for a user interface to input URL addresses from capture video frames.

Mandal et al., US 5,655,810, filed 12/1995, teaches method and apparatus for distributing network bandwidth on a media server.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu V Huynh whose telephone number is (571) 273-4126. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S Hong can be reached on (571) 273-4124. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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TVH  
August 12, 2004



STEPHEN S. HONG  
PRIMARY EXAMINER